



**Service of Process  
Transmittal**

09/01/2021

CT Log Number 540175410

**TO:** Kim Lundy- Email  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Georgia**

**FOR:** Wal-Mart Stores East, LP (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Re: Orne David C. // To: Wal-Mart Stores East, LP

**DOCUMENT(S) SERVED:** Return, Information Form, Summons, Complaint, Certificate(s), First Request(s), First Interrogatories

**COURT/AGENCY:** Catham County - State Court, GA  
Case # STCV2101604

**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall - 12/11/2019, Store No. 605, 1955 East Montgomery Crossroads, Savannah, GA 31406

**ON WHOM PROCESS WAS SERVED:** The Corporation Company (FL), Cumming, GA

**DATE AND HOUR OF SERVICE:** By Process Server on 09/01/2021 at 13:09

**JURISDICTION SERVED :** Georgia

**APPEARANCE OR ANSWER DUE:** Within 30 days after service, exclusive of the day of service (Document(s) may contain additional answer dates)

**ATTORNEY(S) / SENDER(S):** Joseph Padgett  
Roden Law Firm  
333 Commercial Drive  
Savannah, GA 31406  
912-303-5850

**ACTION ITEMS:** CT has retained the current log, Retain Date: 09/01/2021, Expected Purge Date: 09/06/2021  
  
Image SOP

**REGISTERED AGENT ADDRESS:** The Corporation Company (FL)  
106 Colony Park Drive  
STE 800-B  
Cumming, GA 30040  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



# In The State Court of Chatham County

www.statecourt.org · Phone (912) 652-7224 · FAX (912) 652-7229 · clerk@statecourt.org

Return of Service in the matter of:

Case Number \_\_\_\_\_

David C. Orne

Cause of Action Premises Liability

**Vs** Wal-Mart Stores East, LP

Plaintiff(s)

Joseph Padgett

Plaintiff or Plaintiff's Attorney)

Defendant(s)

**NAME and ADDRESS of the PERSON TO BE SERVED**

Wal-Mart Stores East, LP c/o the Corporation Company

106 Colony Park Drive, Suite 800-B

Cumming, GA 30040

Garnishee

## SHERIFF'S RETURN OF SERVICE

I do hereby certify that I am a duly sworn sheriff / deputy sheriff; that I have made a diligent search of the jurisdiction and report the result of that effort below, pursuant to OCGA 9-11-4.

I further certify that on the 1 day of SEP, 2021 I did serve the summons and complaint on the above named defendant at 106 Colony Park Dr Suite 800 (Street Address) Cumming GA 30040 (City / State / Zip) a place, by:

☐ **PERSONAL SERVICE** I have this day served the Defendant, \_\_\_\_\_ with a true copy of the within petition and summons.

☐ **RESIDENTIAL SERVICE** I have this day served the Defendant, \_\_\_\_\_ with Sui Juris, a true copy of the within petition and summons by serving same upon \_\_\_\_\_, a person, residing residing within the premises.

☒ **CORPORATE SERVICE** I have this day served the Defendant, Corporation Company corporation, with a true copy of the within petition and summons by handing the same in person to Michael Walker officer of the corporation.

☐ **TACKED AND MAILED SERVICE** I have this day executed the within Affidavit and Summons by tacking a copy of the within process on the door of the premises designated in said action and also by depositing a true copy thereof in the United States mail in a properly addressed envelope marked for the Defendant at his last known address with sufficient postage affixed thereto.

☐ **GARNISHEE** I have this day served the Summons of garnishment upon \_\_\_\_\_ by handing the original of same to \_\_\_\_\_, a person, at \_\_\_\_\_, he/she being the \_\_\_\_\_ and agent in charge of \_\_\_\_\_ at the time of service in Chatham County.

☐ **MAILED SERVICE** This is to certify that I have this day served the defendant, \_\_\_\_\_ with a copy of the within Affidavit and Summons by depositing a copy thereof in the United States mail, in an envelope properly addressed to the defendant at his last known address as shown in said Affidavit, with adequate postage affixed thereon.

☐ **DILIGENT SEARCH** Diligent search was made and Defendant is not to be found in the jurisdiction, Chatham County.

Sheriff / Deputy Sheriff, [Signature] County, Georgia

PRINT

SHERIFF'S FIELD COPY

23. Sheriff's Entry of Service 09-11



Version 1.1.18

**In The State Court of Chatham County**

133 Montgomery Street, Room 501, Savannah, GA 31401

www.statecourt.org • Phone (912) 652-7224 • FAX (912) 652-7229 • clerk@statecourt.org

David C. Orne

STCV21-01604

Plaintiff

Case Number

Vs

Wal-Mart Stores East, LP

Address of Defendant

Wal-Mart Stores East, LP  
c/o the Corporation Company  
106 Colony Park Drive, Suite 800-B  
Cumming, GA 30040

Defendant

**SUMMONS**

TO THE ABOVE NAMED DEFENDANT: Wal-Mart Stores East, LP

Defendant's Address 106 Colony Park Drive, Suite 800-B, Cumming, GA 30040

**You are hereby summoned and required to efile** (<https://georgia.tylerhost.net/ofswb/>) with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:Joseph Padgett, Esq.  
Roden Law Firm  
333 Commercial Drive  
Savannah, GA 31406**an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.***Brian K. Hart***CLERK OF COURT**  
**State Court of Chatham County**

/s/ Moneisha Green

Deputy Clerk, State Court of Chatham County

Not valid until  
signed and sealed  
by a Deputy Court  
Clerk



**IN THE STATE COURT OF CHATHAM COUNTY  
STATE OF GEORGIA**

**DAVID C. ORNE,**

*Plaintiff,*

v.

**WAL-MART STORES EAST, LP**

*Defendant.*

STCV21-01604

CIVIL ACTION NO: \_\_\_\_\_

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**COMPLAINT FOR DAMAGES**

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COMES NOW, DAVID C. ORNE, Plaintiff in the above-styled action and file this Complaint against Wal-Mart Stores East, LP respectfully showing the Court as follows:

**I. PARTIES, JURISDICTION and VENUE**

1. Plaintiff David C. Orne (hereinafter "Plaintiff" or "Orne") is a citizen and resident of Chatham County, Georgia.
2. Defendant Wal-Mart Stores East, LP, (hereinafter referred to as "Defendant" and/or "Wal-Mart"), is a for profit foreign limited partnership authorized to do business in the State of Georgia, with its principal office located in Bentonville, Arkansas. Defendant maintains offices and transacts business in Chatham County, Georgia, the county in which this cause of action originated. Defendant may be served with process by serving its registered agent for service of process, The Corporation Company located at 106 Colony Park Drive, Suite 800-B, Cumming, GA 30040.
3. Defendant operates store No. 605, located at 1955 East Montgomery Crossroads, Savannah, GA 31406 (hereinafter "Premises").

4. Jurisdiction and venue are proper in Chatham County, Georgia pursuant to O.C.G.A. § 14-2-510 as the tortious conduct alleged herein occurred in Chatham County, Georgia, at Defendant store Number 605.

## **II. FACTUAL ALLEGATIONS**

5. Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 4 as if fully alleged herein.
6. At all times material hereto, Defendant owned and/or operated the Premises and as such possessed said property with the intent to occupy and control it and held it open to the public for business purposes.
7. On December 11, 2019, Defendant was in legal possession of the Premises.
8. On or about December 11, 2019, Defendant was operating a retail store at the aforementioned location.
9. On or about December 11, 2019, upon entering the Premises for the purpose of shopping therein, Plaintiff assumed the legal status of an invitee as the term is defined and codified under Georgia Law.
10. While in an open area to invitees and expected to be traversed by said invitees, Plaintiff tripped when his foot became lodged in a pallet on the floor which caused him to fall and sustain severe injuries, including but not limited to, a torn labrum of his right shoulder.
11. While Plaintiff was shopping and observing children's exercise trampolines, Plaintiff's foot became trapped in a pallet in which the numerous trampolines for display.
12. Due to the number and size of the trampolines on the pallet, Plaintiff did not see the pallet underneath the stack of trampolines.
13. This defect was not an open and obvious hazard.

14. Defendant placed the trampolines on top of a pallet in such a way that Plaintiff was unable to see the pallet under the stack of trampolines.

15. At all times relevant hereto, Plaintiff exercised reasonable care for his own safety.

### **III. CAUSES OF ACTION**

#### **Count 1 – Negligence of Defendant Wal-Mart Stores East, LP**

16. Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 15 as if fully alleged herein.

17. On or about December 11, 2019, Plaintiff was an invitee at the Premises.

18. At all times relevant hereto, Defendant owned and/or operated the Premises and owed a legal duty of reasonable care to invitees, including Plaintiff, to inspect and keep the premises in a safe and reasonable condition, and to warn Plaintiff of hidden dangers or defects that were not discoverable in the exercise of reasonable care.

19. At all times relevant hereto, Defendant, by and through its employees and/or agents, had actual and/or constructive knowledge of the non-visible pallets underneath the trampolines.

20. At all times relevant hereto, Defendant breached its duty of reasonable care in one or more of the following manners:

- a. Defendant failed to inspect the subject area for dangerous conditions;
- b. Defendant failed to warn patrons of a dangerous condition they knew or should have known existed in the subject area; and
- c. Defendant failed to rectify the dangerous condition in the subject area when they knew or should have known said conditions existed.

21. As a result of the foregoing, Defendant breached its legal duty to Plaintiff in violation of O.C.G.A. § 51-3-1.



22. As a direct and proximate result of the aforesaid breaches of duty and negligence by Defendant, Plaintiff fell to the floor and suffered personal injuries. Plaintiff has suffered past medical expenses, in addition to future medical expenses and past, present, and future physical pain and suffering.
23. By reason of the foregoing, Plaintiff is entitled to recover his general and special damages proximately caused by Defendant's negligent acts and/or omissions in an amount to be proven at trial.

**Count 2 – Damages and Injuries**

24. Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 23 as if fully alleged herein.
25. As a result of the negligent acts and omissions of Defendant for which Defendant is wholly at fault, Plaintiff suffered personal injuries which are ongoing and may be permanent in nature.
26. Plaintiff's personal injuries have been accompanied by and will continue to be accompanied by physical and mental pain and suffering, physical limitations and impairments, and an impairment on, and loss of enjoyment of life.
27. Plaintiff is entitled to recover from Defendant all general damages, past and future, which are the proximate result of Defendant's negligent acts and omissions.
28. As a result of the fall for which Defendant is at fault, Plaintiff has incurred and will continue to incur special damages in the form of medical bills, and other related incidental and consequential expenses. Plaintiff is entitled to recover all special damages in a full amount to be proved at trial, which currently includes, but is not limited to the following:



**SPECIAL DAMAGES**

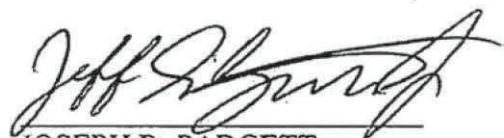
I. Optim Orthopedics	\$ 5,384.00
II. Optim Imaging	\$ 2,143.00
III. Optim Surgery Center	\$ 26,702.40
IV. Optim Physical Therapy	\$ 3,617.00
<b>TOTAL</b>	<b>\$ <u>37,846.40</u></b>

29. Plaintiff is entitled to recover special damages, past and future, which are the proximate result of any one or all of the Defendants' negligent acts or omissions.

WHEREFORE, Plaintiff respectfully requests:

- a. That summons and process issue and be served upon Defendant as provided by law;
- b. For a trial by a jury comprised of twelve (12) persons;
- c. For judgment in favor of Plaintiff and against Defendant;
- d. That Plaintiff be awarded all general damages, past and future, in an amount to be determined by the enlightened conscience of a fair and impartial jury;
- e. That Plaintiff be awarded all special damages, past and future, in an amount to be proven at trial; and
- f. Such further relief as the Court deems just and proper.

This 20<sup>th</sup> day of August, 2021.

**RODEN LAW FIRM**


JOSEPH R. PADGETT  
Georgia Bar No. 872672  
JEFFRY J. FITZPATRICK, JR.  
Georgia Bar No. 378987  
*Attorneys for Plaintiff*

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Savannah, GA 31406  
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IN THE STATE COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

DAVID C. ORNE,

*Plaintiff,*

v.

WAL-MART STORES EAST, LP

*Defendant.*

STCV21-01604

CIVIL ACTION NO: \_\_\_\_\_

## CERTIFICATE OF SERVICE

This is to certify and affirm that I have this day served the below with a true and correct copy of the foregoing **Plaintiff's Complaint for Damages to Defendant, Request for Admissions to Defendant, Plaintiff's First Interrogatories to Defendant, and Plaintiff's First Request for Production of Documents to Defendant** via Forsyth County Sheriff's Office at the following address:

Wal-Mart Stores East, LP  
c/o the Corporation Company  
106 Colony Park Drive, Suite 800-B  
Cumming, GA 30040

This 20<sup>th</sup> day of August, 2021.

## RODEN LAW FIRM

  
JOSEPH R. PADGETT

Georgia Bar No. 872672

JEFFRY J. FITZPATRICK, JR.

Georgia Bar No. 378987

*Attorneys for Plaintiff*

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